

SUMMARY REPORT OF INVESTIGATION

I. EXECUTIVE SUMMARY

Date of Incident:	July 12, 2018
Time of Incident:	6:00 PM
Location of Incident:	Rear alley of 5800 S. Peoria, Chicago, IL
Date of COPA Notification:	July 12, 2018
Time of COPA Notification:	11:58 PM

On July 12, 2018, complainant [REDACTED] (" [REDACTED]) was on the sidewalk with his bicycle and six other individuals in front of [REDACTED] Police Officer [REDACTED] ("Officer [REDACTED] Star [REDACTED] and Police Officer [REDACTED] ("Officer [REDACTED] Star [REDACTED] observed [REDACTED] and the other individuals standing on the sidewalk. The officers drove their CPD vehicle towards the group for investigation. [REDACTED] fled on his bicycle, fell, and continued running into the rear alley of 5800 S. Peoria. [REDACTED] alleges that an officer caught him and beat him.

II. INVOLVED PARTIES

Involved Officer #1:	[REDACTED] Star# [REDACTED] Employee ID# [REDACTED] Date of Appointment: [REDACTED]/2006, Rank: Police Officer, Unit of Assignment: [REDACTED] Date of Birth: [REDACTED]/1980, Male, White
Involved Officer #2:	[REDACTED] Star# [REDACTED] Employee ID# [REDACTED] Date of Appointment: [REDACTED] 2007, Rank: Police Officer, Unit of Assignment: [REDACTED] Date of Birth: [REDACTED] 1981, Male, White
Involved Individual #1:	[REDACTED] Date of Birth: [REDACTED] 1997, Male, Black

III. ALLEGATIONS

Officer	Allegation	Finding
Officer [REDACTED]	1. It is alleged that on or around July 12, 2018, at approximately 6:00 PM, in the alley rear of 5800 S. Peoria, that Officer [REDACTED] unnecessarily struck	Unfounded

	<p>██████████ about the body, in violation of Rules 8 and 9.</p> <p>2. It is alleged that on or around July 12, 2018, at approximately 6:00 PM, in the alley rear of 5800 S. Peoria, that Officer ██████████ unnecessarily threw ██████████ to the ground, in violation of Rules 8 and 9.</p>	Unfounded
Officer ██████████	<p>1. It is alleged that on or around July 12, 2018, at approximately 6:00 PM, in the alley rear of 5800 S. Peoria, that Officer ██████████ unnecessarily struck ██████████ about the body, in violation of Rules 8 and 9.</p> <p>2. It is alleged that on or around July 12, 2018, at approximately 6:00 PM, in the alley rear of 5800 S. Peoria, that Officer ██████████ unnecessarily threw ██████████ to the ground, in violation of Rules 8 and 9.</p>	Unfounded Unfounded

IV. APPLICABLE RULES AND LAWS

Rules

- Rule 8:** Disrespect to or maltreatment of any person, while on or off duty.
- Rule 9:** Engaging in any unjustified verbal or physical altercation with any person, while on or off duty.

V. INVESTIGATION¹

a. Interviews

On July 18, 2018, complainant ██████████ ("██████████") gave COPA an audio recorded interview. ██████████ stated that on July 12, 2018, he and six other people were standing on the sidewalk in front of ██████████. ██████████ stated he was on his bicycle on the sidewalk when two unmarked CPD vehicles, the front vehicle with four police officers and the rear vehicle with two police officers, began pursuing someone in the middle of the street.

¹ COPA conducted a thorough and complete investigation. The following is a summary of the material evidence gathered and relied upon in our analysis.

██████████ stated an officer said to him, "Come here." ██████████ stated he said, "For what, you don't have any probable cause to stop me." Holmes stated he then proceeded on his bicycle to his residence at ██████████ ██████████ stated at the time, he had ten small bags and four large bags of marijuana on his person. ██████████ stated while heading home, officers jumped out of their vehicles and began chasing him and approximately six other people that were on the street. ██████████ stated the chain slipped off his bicycle at the corner of 50th and Peoria. ██████████ stated he then threw the bicycle down and ran northbound from that location towards the alley near 49th and Peoria, where he threw the marijuana. ██████████ stated he only had money on him when the passenger officer on foot, later identified as Officer ██████████ caught up with him.

██████████ stated he was attempting to climb a gate but that he was tired from running so he gave up. ██████████ stated at that point, an officer bent his hand upward while another officer named ██████████ began to use force to arrest him. ██████████ stated the officer named ██████████ used deadly force against him by pushing him into a wall on the side of a house, causing a scrape on his face, and then threw him face first to the ground. ██████████ physically described Officer ██████████ as "Hispanic, short, stocky, [with a] pointy face."² ██████████ stated that Officer ██████████ who has patrolled his neighborhood for some time, caused his injuries³. ██████████ described the other involved officer as Hispanic or Filipino.

██████████ stated as the officers brought him out of the alley, his family was standing outside. ██████████ stated his cousin, ██████████ recorded the officers. ██████████ stated the CPD officer that had grabbed him told him to tell his family to stop recording. ██████████ stated the officer told his family that ██████████ admitted to having narcotics on his person. ██████████ stated the officer also said a gun was involved. ██████████ stated he did not have a gun. ██████████ stated the officer said that he could not give him the narcotics back if his family was recording and saying that they beat him. ██████████ stated the officer told him to tell his family that he did not beat him. ██████████ stated he told ██████████ not to record the officers because they did not beat him, that he had fallen off his bicycle.

██████████ stated an officer said he was calling an ambulance. ██████████ stated he did not want to go to the hospital because he was still being detained at that time. ██████████ stated once he was released, he called an ambulance and was transported to St. Bernard Hospital. ██████████ stated at the hospital, he told medical personnel how he was injured. ██████████

² Id at 9:34

³ Id at 13:30. The physical description ██████████ gave for the other involved officer he alleges injured him, i.e., "Officer ██████████ matches neither Officer ██████████ or Officer ██████████ ██████████ failed to appear for a scheduled appointment at COPA on January 9, 2019. COPA sent a letter via U.S. and certified mail requesting ██████████ reply by January 17, 2019, to reschedule the appointment. ██████████ did not respond.

stated there was no doubt that the officers caused his injuries. [REDACTED] stated he has stitches on the inside of his mouth and that his "face was all messed up."⁵

On October 23, 2018, **witness Sergeant [REDACTED]** ("Sgt. [REDACTED]" gave COPA an audio recorded interview. Sgt. [REDACTED] stated on that date, he was notified via radio that a supervisor was needed to respond to St. Bernard's Hospital for a complaint regarding CPD officers assigned to his [REDACTED]. Sgt. [REDACTED] stated he met the complainant [REDACTED] in the hospital's emergency room. Sgt. [REDACTED] stated [REDACTED] said he was riding his bicycle close to the officers while they were investigating other people. Sgt. [REDACTED] stated [REDACTED] said the officers ordered him to stop to speak with them, but instead he fled. Sgt. [REDACTED] stated [REDACTED] said he fell off his bicycle, allowing the unknown officer or officers to catch up with him. Sgt. [REDACTED] stated [REDACTED] said he fought with the unknown officer or officers and that they beat him up. Sgt. [REDACTED] stated [REDACTED] did not say how he was fighting the officers or whether he had suspected narcotics on his person. Sgt. [REDACTED] stated [REDACTED] did not identify the officer or officers that were involved. Sgt. [REDACTED] stated [REDACTED] had a small scrape on his right forehead and minor swelling on the right lower lip. Sgt. [REDACTED] stated he later reviewed and approved an Investigatory Stop Report⁶ completed by Officer [REDACTED] and Officer [REDACTED] which describes the events of their stop of [REDACTED]. Sgt. [REDACTED] stated he completed the Initiation Report⁷ but did not interview the officers concerning their encounter with [REDACTED].⁸

On November 21, 2018, **witness Officer [REDACTED]** ("Officer [REDACTED]" gave COPA an audio recorded interview. Officer [REDACTED] stated that on July 12, 2018, he was assigned as Beat no. [REDACTED] with his partner, Officer [REDACTED] ("Officer [REDACTED]" Officer [REDACTED] stated while on duty, he and Officer [REDACTED] responded to assist CPD officers in a foot pursuit near 50th Street and Peoria. Officer [REDACTED] stated he and Officer [REDACTED] met the pursuing officers and a detained person, identified as complainant [REDACTED] at that location. Officer [REDACTED] stated because their vehicle was equipped with a cage, [REDACTED] was placed in the backseat of the vehicle. Officer [REDACTED] stated he observed [REDACTED] face was swollen and some blood coming from his nose. Officer [REDACTED] stated while [REDACTED] made no statements to him or Officer [REDACTED] as to how he was injured, he did make comments to civilians gathered in the street regarding how he became injured. Officer [REDACTED] stated while he could not remember verbatim what [REDACTED] said to the civilians, he believes [REDACTED] stated that the police officers hit him in the face. Officer [REDACTED] stated the same civilians were videotaping [REDACTED] while he was sitting in the back seat of the marked vehicle. Officer [REDACTED] stated [REDACTED] told him and Officer [REDACTED] that he was going to vomit. Officer [REDACTED] stated Officer [REDACTED] opened the rear

⁵ Attachment 10 at 6:30

⁶ Attachment 9

⁷ Attachment 8

⁸ Attachment 29

passenger door so [REDACTED] could vomit. Officer [REDACTED] said they called for a Chicago Fire Department (“CFD”) ambulance to the location.⁹

On November 26, 2018, **witness Police Officer [REDACTED]** gave COPA an audio recorded interview. Officer [REDACTED] stated during his tour, he and Officer [REDACTED] responded to 50th Street and Peoria to assist an outside unit in the apprehension of two or three persons that escaped while they attempted to detain them. Officer [REDACTED] stated at that location, the complainant [REDACTED] was placed in the rear seat of their vehicle. Officer [REDACTED] stated [REDACTED] was detained for approximately twenty minutes in the rear seat of his marked vehicle. During this time, Officer [REDACTED] stated [REDACTED] said he needed to spit out blood. Officer [REDACTED] stated the rear car door was open so he could spit. Officer [REDACTED] stated that during this time, an unknown female came up to [REDACTED] who begin yelling that the police beat him up. Officer [REDACTED] stated the unknown female told him not to worry and that he was overreacting. Officer [REDACTED] stated that as persons on the street “were cussing at the officers,”¹⁰ [REDACTED] said to them, “to chill out and don’t worry about it,”¹¹ because he was getting released. Officer [REDACTED] stated the police officers that originally detained [REDACTED] told [REDACTED] they never beat him. Officer [REDACTED] further stated that the involved police officers said that [REDACTED] injured his face by either jumping a fence or from running through a gangway. Officer [REDACTED] stated at that point, he sat back in his vehicle and waited for the arrival of the CFD ambulance. Officer [REDACTED] stated he observed [REDACTED] had a busted lip.¹²

On January 15, 2019, **witness Officer [REDACTED]** (“Officer [REDACTED]”) gave COPA an audio recorded interview. Officer [REDACTED] stated on July 12, 2018, he was working with Officer [REDACTED] (“Officer [REDACTED]”). Officer [REDACTED] stated on that date, he recalled an OEMC dispatched call of an officer needing assistance near 50th St and Peoria, so he and Officer [REDACTED] responded.¹³ Upon their arrival, Officer [REDACTED] stated he observed a marked vehicle on 50th St. parked facing east. Officer [REDACTED] stated he did not recall if there were officers sitting in the vehicle or anyone sitting in the rear of the vehicle. Officer [REDACTED] stated he and Officer [REDACTED] were dispatched to the emergency room of St. Bernard Hospital to speak with a battery victim, identified as the complainant [REDACTED]. Officer [REDACTED] stated [REDACTED] said “he was beat up by the police.”¹⁴ Officer [REDACTED] stated after [REDACTED] made that statement, the interview was stopped, and he contacted his supervisor, Sergeant [REDACTED] (“Sgt. [REDACTED]”). Officer [REDACTED] stated he informed [REDACTED] that a supervisor would be handling the investigation regarding his allegation. Officer [REDACTED] stated he observed [REDACTED] had a busted lip.¹⁵

⁹ Attachment 36

¹⁰ Attachment 37 at 8:33

¹¹ Id at 8:35

¹² Attachment 37

¹³ Attachment 16, Event# 1819315901, OEMC Query Report

¹⁴ Attachment 50 at 7:54

¹⁵ Attachment 50

On January 15, 2019, **witness Officer** [REDACTED] gave COPA an audio recorded interview. Officer [REDACTED] stated on July 12, 2018, she and Officer [REDACTED] responded to a call for assistance at 50th and Peoria. Officer [REDACTED] stated upon arrival, she observed marked and unmarked CPD vehicles searching the area for an individual that fled. Officer [REDACTED] stated she stopped by an unmarked CPD vehicle with a handcuffed individual sitting in the backseat. Officer [REDACTED] stated the police officers in the unmarked vehicle asked her to place their handcuffed detainee in her backseat. Officer [REDACTED] stated she did not recall whether she and Officer [REDACTED] transported the detained individual to the [REDACTED] District or the police officers in the unmarked CPD vehicle retrieved that person. Officer [REDACTED] stated she and Officer [REDACTED] were later dispatched to the emergency room at St. Bernard Hospital for a battered victim report. Officer [REDACTED] stated that she spoke with complainant [REDACTED] at St. Bernard Hospital. Officer [REDACTED] stated she asked [REDACTED] what happened. Officer [REDACTED] stated [REDACTED] made allegations he was beat up by the police. Officer [REDACTED] stated once [REDACTED] made those allegations she stopped questioning him. Officer [REDACTED] stated her partner, Officer [REDACTED] stepped outside to call their supervisor, Sgt. [REDACTED]. Officer [REDACTED] stated Sgt. [REDACTED] said he would send a supervisor to St. Bernard Hospital to speak with [REDACTED]. Officer [REDACTED] stated she and Officer [REDACTED] told [REDACTED] that a supervisor would be coming to the hospital to take his report. Officer [REDACTED] then stated she and Officer [REDACTED] left the hospital. Officer [REDACTED] stated she observed [REDACTED] had a busted lip that was bleeding and a few scratches on his face.¹⁶

On December 17, 2018, **accused Officer** [REDACTED] (“Officer [REDACTED] of the [REDACTED]”) gave COPA an audio recorded interview. Officer [REDACTED] stated that on July 12, 2018, he worked with his partner, Officer [REDACTED]. Officer [REDACTED] stated he and Officer [REDACTED] were in plainclothes and driving in an unmarked CPD vehicle. Officer [REDACTED] stated he was not wearing body cam because he has not been issued it by CPD. Officer [REDACTED] stated on that date, between 6:00 PM and 6:24 PM, he and Officer [REDACTED] were patrolling near the location of 800 block of 50th Place, between Peoria and Halsted. Officer [REDACTED] stated he, Officer [REDACTED] and another two-person [REDACTED] approached a group of individuals standing at that location. Officer [REDACTED] stated the location is a high crime area and a drug house is in that vicinity. Officer [REDACTED] stated as the team members [REDACTED] the group, he observed the complainant, [REDACTED] pedaling away on a bicycle. Officer [REDACTED] stated he verbally alerted his partner, Officer [REDACTED] that [REDACTED] was leaving the location. Officer [REDACTED] stated at the same time, he saw an individual, later identified as [REDACTED],¹⁷ flee the location on foot clutching his side. Officer [REDACTED] stated he backed up the unmarked CPD vehicle he was driving to assist Officer [REDACTED]. Officer [REDACTED] stated he saw Officer [REDACTED] give chase to [REDACTED]. Officer [REDACTED] stated he observed [REDACTED] run behind his vehicle, and that he proceeded to cut him off in the alley north of 50th Place. Officer [REDACTED] then stated he saw Officer [REDACTED] (“Officer [REDACTED] a member of the [REDACTED]”) give

¹⁶ Attachment 51

¹⁷ Attachment 18. [REDACTED] was arrested and charged with Felon/Parolee Possessing a Firearm.

chase to [REDACTED] Officer [REDACTED] stated he assisted Officer [REDACTED] in arresting [REDACTED] Officer [REDACTED] stated he radioed to have someone check on his partner, Officer [REDACTED] because he knew he was alone. Officer [REDACTED] stated he did not observe the interaction between [REDACTED] and Officer [REDACTED]¹⁸

On December 18, 2018, **accused Officer [REDACTED]** (“Officer [REDACTED]” gave COPA an audio recorded interview. Officer [REDACTED] stated that on July 12, 2018, he was working with his partner, Officer [REDACTED] Officer [REDACTED] stated he was not wearing body cam because none have been assigned to the unit. Officer [REDACTED] stated on the date in question, he and Officer [REDACTED] were patrolling the area of the 800 block of 50th Place between Peoria and Halsted. Officer [REDACTED] stated he and his partner observed a large group of individuals loitering in and around the street. Officer [REDACTED] also stated that another two-person unit from the [REDACTED] was also in the area, Officer [REDACTED] and Officer [REDACTED] (“Officer [REDACTED]” Officer [REDACTED] stated as they drew closer, he smelled the odor of burnt cannabis. Officer [REDACTED] stated as he and Officer [REDACTED] came closer for a better vantage point to conduct an investigation, an individual, identified as [REDACTED] noticed their presence and immediately begin to ride a bicycle at a fast pace on the sidewalk westbound on 50th Place, and then proceeded northbound into a vacant lot. Officer [REDACTED] stated that as [REDACTED] tried to ride his bicycle through the lot, [REDACTED] fell off his bicycle, got back on his feet, and continued fleeing northbound into the alley. Officer [REDACTED] stated he exited his vehicle and proceeded on foot after [REDACTED] Officer [REDACTED] stated he travelled into the alley where he observed [REDACTED] running north through a vacant lot. Officer [REDACTED] stated he was approximately twenty to fifty feet behind [REDACTED] Officer [REDACTED] stated he continued to pursue [REDACTED] on foot into the rear yard of an unknown address on 49th Street.¹⁹

Officer [REDACTED] stated he followed [REDACTED] into the gangway of the unknown address and announced his office. Officer [REDACTED] stated [REDACTED] showed him his hands. Officer [REDACTED] stated he handcuffed [REDACTED] temporarily detaining him for investigation. Officer [REDACTED] stated that [REDACTED] was fully compliant in being handcuffed. Officer [REDACTED] stated he did not strike [REDACTED] or throw him on the ground. Officer [REDACTED] stated no other officers were present when he handcuffed [REDACTED] to detain him. Officer [REDACTED] stated at no time did he strike, hit, or throw [REDACTED] to the ground. Officer [REDACTED] stated he walked [REDACTED] out of the yard of the unknown address back towards Peoria. Officer [REDACTED] stated he saw and flagged down a marked unit, manned by Officers [REDACTED] and [REDACTED] Officer [REDACTED] stated he gave [REDACTED] a protective pat-down before placing him in the CPD marked unit of Officers [REDACTED] and [REDACTED] Officer [REDACTED] stated [REDACTED] asked if he was under arrest. Officer [REDACTED] stated he told [REDACTED] at that time he was being detained. Officer [REDACTED] stated he then canvassed the area of the foot chase with [REDACTED] Officer [REDACTED] stated that given the manner with which

¹⁸ Attachment 38

¹⁹ Attachment 22

██████████ and the other individuals at the location fled, and the area where the incident occurred, he believed weapons could have been concealed or involved.

Officer ██████████ stated while canvassing the area where he chased ██████████ CPD radio notified him of a 911 call saying one of the persons fleeing tossed a handgun into a yard. Officer ██████████ stated he went and spoke to the citizen at that location. Officer ██████████ stated the citizen said a weapon was thrown in the yard and that it did not belong to him. Officer ██████████ stated he recovered and safeguarded the weapon for processing. Officer ██████████ stated he returned to the area where ██████████ was being detained. Officer ██████████ stated Officers ██████████ and a member of the ██████████ told him ██████████ said he fell during the foot pursuit and scraped his face. Officer ██████████ also stated Officers ██████████ and ██████████ said ██████████ told citizens gathered on the sidewalk that the officers assaulted him. Officer ██████████ stated he told ██████████ that he did not strike him. Officer ██████████ stated he asked ██████████ if he wanted medical treatment. Officer ██████████ stated ██████████ refused medical treatment. Officer ██████████ stated he told ██████████ he was requesting a CFD ambulance to the location, and that ██████████ could discuss with medical personnel whether he desired medical care. Officer ██████████ stated CFD medic personnel asked him if ██████████ needed to go to a hospital. Officer ██████████ stated he told CFD to the best of his knowledge ██████████ did not need to go to a hospital. Officer ██████████ stated he told CFD that he ordered an ambulance to evaluate the injuries ██████████ sustained.

Officer ██████████ stated ██████████ refused medical treatment from CFD. Officer ██████████ stated he told ██████████ he was not being further detained and that any contraband found while canvassing would be processed and sent for testing. Officer ██████████ stated several bags of suspected cannabis were recovered by a member of the ██████████ where ██████████ fell off his bicycle. Officer ██████████ stated it was inventoried and a Found Narcotics case report was completed.²⁰ Officer ██████████ stated an Investigatory Stop Report ("ISR") was completed for the incident. Officer ██████████ stated that at no time was any force used against ██████████²¹

b. Digital Evidence

The BWC video of Officer ██████████ on July 12, 2018, shows the interaction of Officer ██████████ with ██████████ while he was detained in the rear of the CPD marked vehicle.²²

The BWC video of Officer ██████████ on July 12, 2018, shows the interaction of Officer ██████████ with ██████████ while he was detained in the rear of the CPD marked vehicle.²³

c. Physical Evidence

²⁰ Attachment 22

²¹ Attachment 39

²² Attachment 33

²³ Attachment 32

CFD Ambulance 4 responded and transported [REDACTED] to St. Bernard Hospital.²⁴ Medical records state [REDACTED] told emergency room personnel he was riding his bicycle and that the police started chasing him. [REDACTED] stated the police beat him up, but he is unsure exactly what cut his lip open. [REDACTED] denied any lightheadedness or difficulty breathing. Medical records state [REDACTED] had a facial laceration. The medical records state [REDACTED] received stitches to his outer and inner lower lip, and a dressing and bacitracin applied to his facial abrasions. Additionally, medical records state that a wound photo was taken and included with [REDACTED] chart.²⁵

d. Documentary Evidence

In an **Initiation Report** to [REDACTED] Commander, [REDACTED] on July 12, 2018, Sgt. [REDACTED] states he received a police radio run via OEMC from complainant [REDACTED] alleging he was beat up by a lone white male police officer, later identified as Officer [REDACTED]. The report states that [REDACTED] said while riding his bike by an investigation by the police, he was ordered to stop so they could speak with him. The report states [REDACTED] fled on his bicycle until he fell off and Officer [REDACTED] caught up with him. [REDACTED] stated he fought with the officer who beat him up. Sgt. [REDACTED] stated he observed a small scrape on the right forehead of [REDACTED] and minor swelling on his right lower lip.²⁶

CPD ISR no. [REDACTED] states on July 12, 2018, Officers [REDACTED] and [REDACTED] observed multiple males loitering in and around the street in the 800 block of W. 50th Place, with a strong odor of burnt cannabis. The report states as Officers [REDACTED] and [REDACTED] [REDACTED] to investigate the individuals, complainant [REDACTED] was observed on a bicycle riding westbound on the sidewalk, and after looking in their direction, proceeded to rapidly ride his bicycle away from them. The report states Officers [REDACTED] and [REDACTED] observed multiple males begin to grab their waistbands and flee from the area. Officers [REDACTED] and [REDACTED] believing that narcotic activity and suspect weapon concealment were occurring, gave chase via foot and vehicle. The report states complainant [REDACTED] fled the scene on a bicycle through an uneven vacant lot with protruding obstacles while Officer [REDACTED] chased him on foot. The report states [REDACTED] fell off his bicycle onto the ground. [REDACTED] got on his feet, running east in the alley then north through vacant lots and gangways, and eventually was detained by Officer [REDACTED] without the use of any force in the rear yard of [REDACTED].²⁷ The report states assisting CPD units responded to the area where [REDACTED] was observed falling from his bicycle. The report further states in the immediate area near [REDACTED] discarded bicycle and shoe, Officer [REDACTED] ("Officer [REDACTED] Star no. [REDACTED] detailed to the [REDACTED] [REDACTED] recovered and inventoried one clear plastic bag containing two knotted plastic bags with a

²⁴ Attachment 48

²⁵ Attachment 13

²⁶ Attachment 8

²⁷ Although the ISR indicates this occurred at E. 49th Street, COPA finds this to be a scrivener's error and the correct address was on W. 49th Street.

green leafy substance and two ziplock bags containing a green leafy substance. The report also states that a protective pat down was conducted of [REDACTED] by Officer [REDACTED] because he believed that based on the manner the individuals fled the scene holding their body and waistbands, weapons may be involved. The report states [REDACTED] was asked why he fled from Officers [REDACTED] and [REDACTED] at the initial location. [REDACTED] stated he fled because of the presence of cannabis on his person at that time. The report states [REDACTED] had a visible scrape/abrasion to his facial area which he said occurred through his falling multiple times while evading the police. Officer [REDACTED] called for a CFD ambulance to the scene, but after they arrived, [REDACTED] refused treatment.²⁸

VI. ANALYSIS

a. LEGAL STANDARD

For each Allegation COPA must make one of the following findings:

1. Sustained - where it is determined the allegation is supported by a preponderance of the evidence;
2. Not Sustained - where it is determined there is insufficient evidence to prove the allegations by a preponderance of the evidence;
3. Unfounded - where it is determined by clear and convincing evidence that an allegation is false or not factual; or
4. Exonerated - where it is determined by clear and convincing evidence that the conduct described in the allegation occurred, but it is lawful and proper.

A preponderance of evidence can be described as evidence indicating that it is more likely than not that the conduct occurred and violated Department policy. See *Avery v. State Farm Mutual Automobile Insurance Co.*, 216 Ill. 2d 100, 191 (2005), (a proposition is proved by a preponderance of the evidence when it has found to be more probably true than not). If the evidence gathered in an investigation establishes that it is more likely that the misconduct occurred, even if by a narrow margin, then the preponderance of the evidence standard is met.

Clear and convincing evidence is a higher standard than a preponderance of the evidence but lower than the "beyond-a-reasonable doubt" standard required to convict a person of a criminal offense. See e.g., *People v. Coan*, 2016 IL App (2d) 151036 (2016). Clear and Convincing can be defined as a "degree of proof, which, considering all the evidence in the case, produces the firm and abiding belief that it is highly probable that the proposition . . . is true." *Id.* at ¶ 28.

²⁸ Attachment 9

b. COPA finds that these allegations are Unfounded.

The Chicago Police Department delineates criteria for its members to conduct an investigatory stop.²⁹ Specifically, for investigatory stops, CPD members must possess reasonable articulable suspicion based upon specific and articulable facts which, combined with rational inferences from these facts, reasonably warrant a belief that the suspect is committing, is about to commit, or has committed a criminal offense. When Officers [REDACTED] and [REDACTED] approached [REDACTED] they were attempting to conduct an investigatory stop. This is evidenced by the ISR completed relative to this incident. Per the ISR, the officers observed multiple males loitering in and around the street and also smelled the strong odor of burnt cannabis. This amounted to reasonable articulable suspicion that a crime had been committed, and thus permitted the officers to conduct a stop for purposes of investigation.

As the officers approached said individuals, [REDACTED] rode away on his bicycle while the other males fled on foot. Officer [REDACTED] pursued the males that fled on foot, and did not pursue [REDACTED]. COPA finds that both allegations against him are unfounded as there is clear and convincing evidence that provides a firm belief that he was not in the vicinity of [REDACTED] after he fled.

Officer [REDACTED] pursued [REDACTED]. It is undisputed that [REDACTED] fell from his bicycle while fleeing from him. COPA did not uncover any evidence to suggest that any officer other than Officer [REDACTED] namely "Officer [REDACTED] was present after [REDACTED] fell. COPA finds that [REDACTED] statement that "Officer [REDACTED] battered him could not have happened. This statement, and [REDACTED] continued insistence that "Officer [REDACTED] battered him, calls [REDACTED] credibility into question. COPA finds that clear and convincing evidence exists therefore that Officer [REDACTED] did not batter [REDACTED]. Thus, the allegations against Officer [REDACTED] are unfounded. Moreover, COPA cannot rule out that the injuries sustained by [REDACTED] came from his fall.

VII. CONCLUSION

Based on the analysis set forth above, COPA makes the following findings:

Officer	Allegation	Finding
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²⁹ Special Order S04-13-09, *Investigatory Stop System*, Chicago Police Department

Officer [REDACTED]	1. It is alleged that on or around July 12, 2018, at approximately 6:00 PM, in the alley rear of 5800 S. Peoria, that Officer [REDACTED] unnecessarily struck [REDACTED] about the body, in violation of Rules 8 and 9.	Unfounded
	2. It is alleged that on or around July 12, 2018, at approximately 6:00 PM, in the alley rear of 5800 S. Peoria, that Officer [REDACTED] unnecessarily threw [REDACTED] to the ground, in violation of Rules 8 and 9.	Unfounded
Officer [REDACTED]	1. It is alleged that on or around July 12, 2018, at approximately 6:00 PM, in the alley rear of 5800 S. Peoria, that Officer [REDACTED] unnecessarily struck [REDACTED] about the body, in violation of Rules 8 and 9.	Unfounded
	2. It is alleged that on or around July 12, 2018, at approximately 6:00 PM, in the alley rear of 5800 S. Peoria, that Officer [REDACTED] unnecessarily threw [REDACTED] to the ground, in violation of Rules 8 and 9.	Unfounded

[REDACTED]
Angela Hearts-Glass
Deputy Chief Administrator

3-28-19
Date

Appendix A

Assigned Investigative Staff

Squad#:	█
Investigator:	██████████
Supervising Investigator:	██████████
Deputy Chief Administrator:	Angela Hearts-Glass

